

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
09-CR-259A

LEON LLOYD JOHNSON,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(A). On August 9, 2009, defendant filed a motion to dismiss the indictment. On October 16, 2009, Magistrate Judge Scott filed a Report and Recommendation, recommending that the motion to dismiss the indictment be granted in part and denied in part.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion to dismiss the indictment is granted in part and denied in part. This case will be referred back to Magistrate Judge Scott for further proceedings as needed if defendant's plea proceeding, currently scheduled for November 12, 2009, does not eventually occur.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: November 9, 2009